

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

FILED - GR

October 20, 2022 11:40 AM
CLERK OF COURTU.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

BY:JMW SCANNED BY: KB/10-20

TRAVELL Maurice-Lynn WEAKley

(Enter above the full name of the plaintiff(s), including prisoner number, in this action. If you cannot list all plaintiffs in the space provided, please write "see attached" and list all names on an additional page.)

v.

Sheriff Paul Bailey "See Attached"K. Robbins SGT~~ATTORNEY~~ C/o A. TOBERNurse JenNurse Ashley

(Enter above the full name of the defendant(s) in this action. If you cannot list all defendants in the space provided, please write "see attached" and list all names on an additional page.)

1:22-cv-982

Ray Kent

U.S. Magistrate Judge

COMPLAINT

(Print Clearly)

I. Previous Lawsuits

CAUTION: The Prison Litigation Reform Act has resulted in substantial changes in the ability of incarcerated individuals to initiate lawsuits in federal courts without prepayment of the civil action filing fee. Accurate and complete responses are required concerning your litigation history. Generally, a plaintiff's failure to accurately and completely answer the questions set forth below will result in denial of the privilege of proceeding *in forma pauperis* and require you to pay the entire \$402.00 filing fee regardless of whether your complaint is dismissed.

- A. Have you ever filed a lawsuit while incarcerated or detained in any prison or jail facility? Yes ☒ No ☐
- B. If your answer to question A was yes, for each lawsuit you have filed you must answer questions 1 through 5 below. Attach additional sheets as necessary to answer questions 1 through 5 below with regard to each lawsuit.

1. Identify the court in which the lawsuit was filed. If it was a state court, identify the county in which the suit was filed. If the lawsuit was filed in federal court, identify the district within which the lawsuit was filed.

Cass County

2. Is the action still pending? Yes ☐ No ☒

a. If your answer was no, state precisely how the action was resolved: it WASNT I failed to state A claim and it got dismissed without prejudice

3. Did you appeal the decision? Yes ☐ No ☒

4. Is the appeal still pending? Yes ☐ No ☒

a. If not pending, what was the decision on appeal? _____

5. Was the previous lawsuit based upon the same or similar facts asserted in this lawsuit? Yes ☒ No ☐

a. If so, explain: HAD A SEIZURE in A Cell And the Emergency button did not work in Cass they did not even have button in the lock down clom 22hrs come out for 2 hrs I just failed to state a claim

II. Parties

A. Plaintiff(s)

Enter your name, place of confinement, address, and place of confinement during the events described in the complaint in the blanks below. Provide the same information for any additional plaintiffs. Attach extra sheets as necessary.

Name of Plaintiff TRAVELL Maurice Lynn Weakley
 Place of Present Confinement Berrien County Jail
 Address 919 Port St. Saint Joseph, MI 49085
 Place of Confinement During Events Described in Complaint IE CELL #1

B. Defendant(s)

Complete the information requested below for each defendant in this action, including whether you are suing each defendant in an official and/or personal capacity. Provide the same information for each additional defendant. If there are more than six defendants attach extra sheets as necessary.

Name of Defendant #1 Paul Bailey
 Position or Title Sheriff of Jail
 Place of Employment Berrien County Jail
 Address 919 Port St Saint Joseph, MI 49085
 Official and/or personal capacity? Official

Name of Defendant #2 K. Robbins
 Position or Title Sgt. At the Jail
 Place of Employment Berrien County Jail
 Address 919 Port St Saint Joseph, MI 49085
 Official and/or personal capacity? Official

Name of Defendant #3 ~~Paul Bailey~~ A. Taber
 Position or Title CO
 Place of Employment Berrien County Jail
 Address 919 Port St Saint Joseph, MI 49085
 Official and/or personal capacity? Official

Name of Defendant #4 Nurse Jen
 Position or Title Nurse
 Place of Employment Berrien County Jail
 Address 919 Port St Saint Joseph, MI 49085
 Official and/or personal capacity? Official

Name of Defendant #5 nurse Ashley
 Position or Title nurse
 Place of Employment Berrien County Jail
 Address 919 Port St Saint Joseph, MI 49085
 Official and/or personal capacity? Official

additional defendants

V.

nurse Kelly

nurse Shepleman

C/O Wall

M. Elder C/O

C/O Goodush

Turner C/O

6. Name of defendant nurse Kelly

Position or Title nurse

Place of employment Berrien County Jail

Address 919 Port St Saint Joseph MI 49085 Official

7. name of defendant nurse Shepleman

Position or title nurse

Place of employment Berrien County Jail

Address 919 Port St Saint Joseph, MI 49085

Official

8. name of defendant M. Elder

Position or title C/O

Place of employment Berrien County Jail

Address 919 Port St Saint Joseph MI 49047

~~Signature of Defendant~~ Official

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Signed:

Erin A. Kelly



Name of Defendant C/O Turner

Position OR title C/O

Place of employment Berrien County Jail

address 919 Port St Saint Joseph, MI 49085

Official

Name of Defendant: C/O Goodush

Position OR title: C/O

Place of employment: Berrien County Jail

address 919 Port St Saint Joseph, MI 49085

Official

III. Statement of Claim

State here the **facts** of your case. Describe how each defendant is personally involved. Include also the names of other persons involved, dates and places. **Do not give any legal arguments or cite any cases or statutes.** If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. **Do not include unrelated claims.** Use as much space as you need. Attach extra sheets if necessary.

On September 26th, 2022 I was sentence to 93 days in Jail I was booked in at the Courthouse in niles, MI by C/O Turner who I gave my Seizure medication to and Allergy medication to and told her what I was allergic to and what I could and could not eat. She failed to Apply this information to the other CO workers and I still haven't recived all my medications that my dr. prescribed me. I have recived 2 of the 4 medications I came to Jail With after 2 days of me being put in seragation for tell A C/O to do some work, I got lockdown for 72 hr for it and was placed in dorm IE Cell #1 While being in the cell I was approached by C/O A. ~~Tabor~~ ^{Tabor} On the 28th of September with lunch that I told her I couldn't eat because I was allergic to onions and that I couldn't have anything red do to my hemroids she insisted that I pick the stuff ~~and~~ ^{up} and eat it anyway. I told her I should get A special diet and it should be in the computer from when I got booked in and my medication they told me for two days straight that my Seizure medication and other medication had to be Approved by the dr. I finally got my first Seizure medication on September 28th right before lunch time by a retire nurse I didn't get the name of cuz they wouldn't tell me but she told me to just take it. On that night of September 28th, 2022 I was suppose to be given another Seizure pill and was not by nurse Kelly that was working the night shift that came around I was out for my time on the phone and she walked right pass me. I was told to lock back down cuz my time was ~~up~~ ^{over} and asked could the nurse come back and give me my medication Jo M. Elder said he would inform her nurse Kelly ~~never~~ ^{never} came back and I had a Seizure and bit my tongue, that night I press the button several times and no one never came I waited til the morning ^{of the 29th} when I was approached by nurse Ashley and nurse Jen and told them I had A Seizure last night and showed them the tissue of blood and informed them I Press the button no one ~~came~~ ^{came}

they also was with SGT. K. Robbins who nurse Jen said to her hey his button not workin and told me to press it of the time they was in there and she seen that the button didnot work either nurse Jen told her we have to move him we cant have that wit him having seizures the morning med pass of the 29th of September then nurse Jen asked me if I hit my head I said no just my tongue asked me if I wanted some salt and if my tongue was swollen I said it went down she said well there's nothing else we can do I said okay, I wanna be moved out this cell if the button dont work they said they was workin on it. ON September 30th 2022 Rightt after lunch I had another seizure and before I lost Conchess I yelled to the guy I was talkin to anthony mcgowan help to Press the button cuz I knew my button didnot work, I found nurse Jen and nurse ashley standing over the top of me and I hear SGT. K. Robbins say that it looked like A bunch of water on the floor and I knew I was drinking Water but you could tell I urined all down my leg SGT. Robbins hit my button and said well atleast that problem fixed, nurse Jen said he cant ~~be~~ in here and ya ~~thats~~ now "it wasnt." I start to hear nurse Jen ask me if I was alright I grabbed my head and felt a golf ball size lump she said You had A seizure Find told me I hit pretty hard checked my eyes checked my Vitals nurse Ashley did nurse Jen checked my blood pressure and left out the cell I felt like I had to use the bathroom and then to step out and they did, but never came back to check on me or never watched me for 24 hrs, once again I pressed the button and ask could I get A Ice pack

Signed:



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For my head and could I take a shower and get a change of clothes cuz I urinated all over my clothes they told me Quit Pressing the button after 2 hrs passed they brought me a new Jail suit but no shower, I told them I want to be out of this cell it's depressing and now at the time I'm off lockdown in 1E I then say I don't think I'm gonna live in this cell I get took back to bodega and they took my clothes underwear socks and place me on suicide watch until I was clear by ^{the} stage for 96 hrs I got off October 4th, 2022 before I was moved upstairs to 2F Cell #1 around 4:00pm I had no blankets no towel to shower and no sheet to put on the mattress they give you until after lockdown it was 10 o'clock before all this I asked CO Wall, ^{CO} Goodush, and ^{CO} Helfman for my belongings and ^{CO} M. Elder and they played abaitzon the intercom I hadn't took a shower in almost 4 days I also asked for my underwear that was taken didn't receive them until the 5th of October. On October 5th, 2022 I went to the nurses station for a health assessment and came in contact with nurse Ashley and she told me that the Sgt thought I was faking because it was water on the floor and how can a guy four cells down hear me fall I told her the last thing I remember doing is drinking water and she said people who have seizures don't yell I told her I yelled for help cuz my button didn't work she looked at me with a shocked face and said she didn't know and that she just started and didn't no that was the case. October 5th, 2022 the day of my health assessment I asked nurse Ashley to have me moved from the top floor incase I have another episode cuz I didn't want go unanchored and come down the stairs and bust my head again she said why are you upstairs I said yeah she said well you shouldn't be and I'm still here. - 6 -

On October 12, 2022 nurse
 Shepman told me at 7:30pm med pass that if I didn't
 do a Good Work at medical that I couldn't be on
 put on trustee when nurse ashley told me all I
 needed was a TB test which she did and on
 the 5th of October and later on got cleared for me
 to be an inmate worker and get a early release and
 then told me I could refuse and couldn't be a worker
 unless I did the ^{blood} work these people are careless and
 done continued to play with my life with giving
 me my med trying to say they got as in nurse
 Kelly so it don't look so bad or try to make it look
 like I refuse med if I don't hear them or no one wakes
 me up because of my medication I've been asking for a
 medication switch because the med's are strong I take
 2 500mg (Depakot) at morning and at night that's
 a thousand mgs a my (Invega) which is 3mg I haven't
 got my allergy medication yet or my inhaler which is
 Albuterol 90 mcg this is something I just don't get I come
 to jail with my med's that is not narcotics and be denied
 them at the door until they feel the need to give them
 to me and still have problem I wrote A Grievance and
 my seizure is documented on the 30th this action speaks
 for it self.

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Signed:

Leah Ashley

Travis Weasley

910 Cleveland AVE.

South bend, IN 46728

Release date

12-6-22

Paul Bailey is over all these staff that are untrained to do the right work. On October 16, at 3:30 pm we got shook down and my legal mail was moved all around out of sight from the order I had it in and this was the second time this week we have been shook down and the Sgt K. Robbin that I'm suing and one of the C/O mentioned in this suit was on the shake down and I'm being looking at my paperwork when they take us out the cell and threaten me with lock downs because they know they messed up and what I mean by a medication swap I asked for the med to be given to me in the morning instead of at night and that hasn't been done yet either I feel like I have lost my case

IV. Relief

State briefly and precisely what you want the court to do for you.

*I am suing for \$5.5 million dollars for pain and suffering
 mental anguish, malpractice, negligence, careless of my
 wellbeing and not taking their job serious for a person
 like myself that have an illness that can lead to death.
 I was scared depressed and didn't know what
 was gonna happen to me I would also like an apology
 letter from Sgt. K. Robbins for thinking my condition was not
 real*

V. Notice to Plaintiff Regarding Consent

In accordance with the provisions of 28 U.S.C. § 636(c) and Federal Rule of Civil Procedure 73, you are hereby notified that the United States magistrate judges of this district court may, upon your consent, conduct any or all proceedings in this case, including a jury trial and entry of a final judgment. If you consent, any appeal from a judgment entered by a magistrate judge shall be taken directly to the United States Court of Appeals for this judicial circuit in the same manner as an appeal from any other judgment of a district court.

Magistrate judges have greater flexibility in their schedules than district judges, who have heavy criminal caseloads that take priority over civil trials. Accordingly, the magistrate judges are generally able to schedule prisoner civil rights cases for jury trial much sooner, and they are able to provide firm trial dates. Magistrate judges are experienced trial judges who handle a great number of prisoner civil rights cases.

Your decision to consent to the dispositive jurisdiction of a United States magistrate is entirely voluntary. If you do not consent to a magistrate judge, the case will be randomly assigned to a district judge. The magistrate judge already assigned to this case would continue to decide all pretrial matters and would handle all dispositive motions by report and recommendation.

Please check **ONE** box below to indicate whether you voluntarily consent to proceed with a United States magistrate judge or if you would instead prefer that the case be assigned to a district judge.

- ☒ I hereby voluntarily consent to the United States magistrate judge conducting all proceedings in this case, including entry of a final judgment and all post-judgment matters.
- ☐ I request that this case be assigned to a district judge.

10/18/2022
 Date

Travell Weakley
 Signature of Plaintiff

NOTICE TO PLAINTIFF(S)

The failure of a *pro se* litigant to keep the court apprised of an address change may be considered cause for dismissal.

TRAVELL ML WEEKLY
919 Port St.
St. Joseph, MI

49085

490853363

GRAND RAPIDS MI 493
18 OCT 2022 PM 4 L



U.S. Dist. Court
399 Federal Building
110 Michigan St., NW
Grand Rapids, MI

49503

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